

CHAPTER 4-07-07 WORKING HOURS AND HOLIDAYS

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4-07-07-01. Scope of chapter. This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-02. Definitions. The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 54-44.3, except:

1. "Core time" means the designated period of time within a standard workday and within a standard workweek, when all agency employees must either be on duty or on a leave status.
2. "Flextime" means the approved starting and quitting times, outside the core time, that allow employees to vary their arrival and departure times.
3. "Standard workweek" means a fixed and regularly recurring forty-hour period within the calendar week.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-03. The standard workweek. The standard workweek is a fixed and regularly recurring period of seven consecutive twenty-four-hour periods. A workweek may begin on any day of the week and at any hour and minute of the day. Due to the nature of the work, an agency may assign employees to work different workweeks or different workdays to carry out the mission of the agency. Employees must be made aware of their assigned workweek. An agency may establish different workweeks in accordance with requirements of the Fair Labor Standards Act of 1938 [Pub. L. 75-718; 52 Stat. 1060; 29 U.S.C. 201 et seq.]. In

the absence of an established standard workweek, the period of 12:01 a.m. Sunday through 12:00 p.m. the following Saturday must be utilized.

History: Effective September 1, 1992; amended effective November 1, 1996.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-03.1. Compliance with Fair Labor Standards Act. The state of North Dakota, as an employer, is required to abide by the Fair Labor Standards Act of 1938 [Pub. L. 75-718; 52 Stat. 1060; 29 U.S.C. 201 et seq.] concerning wage and hour provisions. The appointing authority is responsible for compliance with provisions of the Act, including the determination of exempt or nonexempt status or overtime issues. Human resource management services may assist in this analysis.

History: Effective November 1, 1996; amended effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-04. Flextime. An appointing authority may allow employees to use flextime provided that regular service to the public is not interrupted.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-05. Nonstandard hours. An appointing authority may assign an employee to work hours other than the standard work hours. Additionally, an appointing authority may assign an employee to work hours in excess of the standard workweek.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-06. Holidays. The holidays for individuals who are employed by agencies subject to this chapter are those that are listed in North Dakota Century Code section 1-03-01.

History: Effective September 1, 1992.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-07. Holiday hours accrual for a part-time regular employee.

An employee who occupies a part-time regular position must accrue holiday hours proportionately.

History: Effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)

4-07-07-08. Leave status and fringe benefits. A probationary or regular employee who is absent from work in a paid leave status continues to earn fringe benefits, including annual leave and sick leave.

History: Effective July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-12(1)